
**UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION**

U.S. BANK NATIONAL ASSOCIATION,
NOT IN ITS INDIVIDUAL
CAPACITY BUT SOLELY AS TRUSTEE
NRZ PASS-THROUGH TRUST X, its
successors and/or assigns,

Plaintiff(s),

v.

PETER NORDBERG, and/or JOHN DOES 1-
10, JANE DOES 1-10,

Defendant(s).

**MEMORANDUM DECISION AND ORDER
GRANTING MOTION TO REMAND AND
AWARDING ATTORNEY FEES AND
COSTS**

Case No. 2:19-cv-00611-HCN

Howard C. Nielson, Jr.
United States District Judge

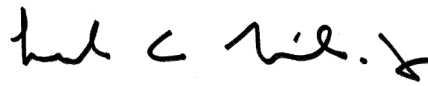
Plaintiff has moved this Court for an order pursuant to 11 U.S.C. § 1447 remanding the instant action to state court and requiring Louis Monson (“Defendant”) to pay just costs, actual expenses, and attorney fees as a result of the allegedly improper removal. Dkt. No. 7. Defendant was provided timely notice of the motion pursuant to both the Fed. R. Civ. P. 5 and DUCivR. 7.1. *See* Dkt. No. 8. It appears that Defendant has not filed an opposition or any objection to the motion.

After review of the Motion to Remand, the Complaint, and the Notice of Removal, and for good causing appearing, the Court GRANTS the motion. This case is remanded to the District Court of Utah, Third Judicial District, Salt Lake County—Salt Lake City. Furthermore, pursuant to 11 U.S.C. § 1447(c), the Court finds that the Defendant lacked an objectively reasonable basis for removal. The court, *sua sponte*, previously remanded to state court the instant action for lack of federal question jurisdiction. It is apparent from the face of the complaint that Mr. Monson’s second attempt to remove—this time based on diversity jurisdiction—also lacks merit. The complaint seeks only \$2,349.99 in damages, thereby failing

to satisfy the amount in controversy requirement. *See* Dkt. No. 3-3. Accordingly, Plaintiff is awarded just costs, actual expenses, and attorney fees incurred as a result of Defendant's notice of removal and shall submit an itemized bill of costs within 14 days of this Order, as provided by DUCivR 54-2. IT IS SO ORDERED.

DATED this 31th day of October, 2019.

BY THE COURT:

A handwritten signature in black ink, appearing to read "H. C. Nielson, Jr.", with a stylized flourish at the end.

Howard C. Nielson, Jr.
United States District Judge